

No. 17-16161

IN THE
United States Court of Appeals for the Ninth Circuit

FACEBOOK, INC.,
Plaintiff-Appellee,
v.

POWER VENTURES, INC. & STEVEN SURAJ VACHANI,
Defendants-Appellants.

On Appeal from the United States District Court
for the Northern District of California
Case No. 5:08-cv-05780-LHK, Hon. Lucy Koh

**APPELLEE'S REVISED CONSENT MOTION
TO EXTEND TIME**

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Appellee Facebook, Inc. moves to extend the time to file its answering brief from February 12, 2018 to March 14, 2018 and to make a corresponding correction to the reply brief deadline. Counsel for Appellants Power Ventures, Inc., and Steven Suraj Vachani have advised the undersigned that they consent to this revised motion.

The prior consent motion to extend time, ECF 8 (docketed Oct. 10, 2017), which the Court quickly granted, ECF 9 (Oct. 11, 2017), contained an inadvertent mathematical error. Appellants sought (and now have been granted) extensions totaling 77 days to file their opening brief: a prior 30-day streamlined extension and (through the consent motion) an additional 47 days. Correspondingly, the parties intended to seek an equivalent 77-day extension of Facebook's time to file its answering brief. This 77-day *extension* for Facebook was intended to be in addition to the 30 days it otherwise would have received pursuant to Fed. R. App. P. 31(a)(1). However, the prior motion inadvertently calculated the deadlines for the answering and reply briefs based on a *total* briefing period of 77 days for Facebook, rather than a 77-day *extension*.

Facebook therefore respectfully moves the Court to correct the deadlines for the answering and reply briefs, such that its answering brief is due on March 14, 2018 and Appellants' optional reply briefs are due on April 4, 2018. As noted above, Appellants consent to this motion.

Respectfully submitted,

/s/ Eric A. Shumsky

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October 12, 2017

DECLARATION

Pursuant to Circuit Rule 31-2.2, the undersigned declares under penalty of perjury that the statements included in the preceding motion are true and correct to the best of his ability.

Respectfully submitted,

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October 12, 2017

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on October 12, 2017.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

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/s/ *Eric A. Shumsky*

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